न्याय/ प्रत

Civil Writ Petitions, Appeals, Suits, Revision and Review Applications filed against Government-addressing the correspondence in respect of litigation to the concerned Administrative Department / concerned Officers of Department under endorsement to Law & Judiciary Department and incorporation of detailed subject matter in the reference.

GOVERNMENT OF MAHARASHTRA,
Law and Judiciary Department,
Circular No. 17/VIP-Lit./E
Mantralaya, Mumbai-400 032, Dated the 7th March 2011.

It is noticed that some of the Law Officers in the High Court instead of addressing the communication to the concerned administrative department / officers of the department for supply of information and papers, address the same to L&JD for supply of information etc. eventhough the subject matter of litigation pertains to some other department/s. Further, in the communication by Law Officer only reference to the number and year of the Civil Writ Petitions/Appeals/Suits/References/Review Applications etc. and the name of party is quoted. The particulars of petition number and name of parties are not sufficient to trace out the subject. In the absence of clear reference to specific subject matter in respect of the litigation proceedings it is not possible for the department to find out as to in what connection the proceedings in the court are filed. This causes difficulties in locating the exact branch/desk/department to which the references and communications should be sent for necessary action as required by Law Officer. Thus incomplete subject in the communication by the Law Officer leads to unnecessary and protracted correspondence between the department and the Law Officer only to ascertain subject matter of the proceedings. It also cause unnecessary delay in responding to the communication by the Law Officer.

This department has issued circulars time and again requesting the Law Officer to ensure that necessary particulars of subject matter of the court proceedings are quoted in the title head of the subject in a concise and clear manner in addition to the usual particulars regarding the number, year and the names of the parties in the proceedings. They are also requested that if there is previous reference received from the department, the number and the date of such references should also be invariably quoted to facilitate department to mark the references to the proper desk of the department for dealing it effectively and immediately. As mentioned earlier it is noticed that the directions issued by the circular are not scrupulously followed by the Law Officers.

In the circumstances all Government Pleaders, High Court (O.S.); High Court (A.S.) (Writ Cell); High Court (A.S.) and the Government Pleaders at Nagpur and Aurangabad Bench, once again are requested to ensure that all the Law Officers address the correspondence in respect of the litigation before the High Court to the concerned administrative department / concerned officers of the department under endorsement to L&JD as per the provisions under the Rules for the Conduct of Legal Affairs of Government 1984, and see that communication is not unnecessarily addressed to Law & Judiciary Department where the litigation pertains to some other department/s. The communication in respect of litigation wherein the L&JD is party only be addressed to this department by the Law Officers. Further, attention of all Government Pleaders are invited to the earlier circulars issued by this department bearing No.14172/E, dt. 3rd Sept. 1984 and No. 6737/E, dt. 29th March 1985 and all Government Pleaders are requested to see that instructions issued under the above circulars are scrupulously followed and observed by all Law Officers while making communication to the concerned administrative departments of the State of Maharashtra, and the Law & Judiciary Department.

In case, if it is noticed that instructions /directions contained in circulars are not observed then action may be taken against those Government Pleaders.

By order and in the name of the
Governor of Maharashtra,

(S.S. Shinde)
Solicitor-cum-Joint Secretary to Government.

To

The Government Pleader, High Court (A.S.), (Writ Cell), Mumbai.
The Government Pleader, High Court (O.S.), Mumbai.
The Additional Government Pleader, High Court (A.S.), Mumbai.
The Government Pleader, High Court, Nagpur Bench at Nagpur.
The Government Pleader, High Court, Aurangabad Bench at Aurangabad.
The Joint Secretary to Government, Law & Judiciary Department, Nagpur.
The Joint Secretary to Government, Law & Judiciary Department, Aurangabad.